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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/863,457 05/27/97 KRISHNAMURTHI

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LM02/0817

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EXAMINER

NGUYEN, C

ART UNIT

PAPER NUMBER

2732

DATE MAILED:

08/17/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/863,457

Application(s)
05/27/97

Examiner
Chau T. Nguyen

Group Art Unit
2732



☒ Responsive to communication(s) filed on May 27, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2732

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the "mobile station call origination" and "mobile station call termination" of claim 2 have no antecedent basis in the specification.
3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 6 and 14, it is not clear what is meant by "a glare condition."

In claims 2 and 3, the reference to the claimed message is not clear from the specification. Applicants are requested to reference the limitations of claims 2 and 3 to the specification, so mete and bounds can be determined from the claim languages. Claims 8, 9, 12 and 13 have the same problem.

In claim 6, "said first base station" (line 8) lacks antecedent basis.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 6, 8, 9, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Spartz et al. (Spartz).

In U.S. patent No. 5,878,036 Spartz discloses a mobile switching center (MSC) 16 connected to a base station sub-system (BSS) 15 via an A-interface (Fig. 1). As shown in Fig. 6, the MSC transmits a paging signal 300 (a message signal) to the BSS when detecting a subscriber unit is being paged after another call ends (a glare condition). The BSS receives the paging signal 300 and then transmits a page message signal (a subsequent message signal) to the subscriber unit via the air interface (see col. 14). It is noted that the claimed Paging Response Message and Service Request Message have no functions to distinguish from the paging signal (Fig. 6) for a second call and the disconnect signal (Fig. 8) for a first call as two call occur in secession.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 4, 5, 7, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spartz in view of Baldwin et al. (Baldwin).

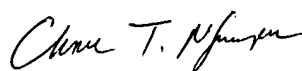
Spartz does not explicitly recite that the paging signal and the page message signal are Alert With Information Message Signals.

In U.S. patent No. 5,633,868 Baldwin show transmitting Alert With Information Message Signals between a wireless gateway and a subsystem of a CDMA wireless network (col. 10, lines 20-24, and Fig. 4). To use Alert With Information Message Signals would have been obvious to one of ordinary skill in the art because Alert With Information Messages have been widely used to represent incoming calls and other data from a base station to a mobile unit over a voice channel.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau T. Nguyen whose telephone number is (703) 308-5340. The examiner can normally be reached on Monday through Friday from 7AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Chau T. Nguyen
Primary Examiner